

## REMARKS

Claims 6-21, 23-35 and 71-78 are pending of which Claims 8-17, 25-31, 35 and 77-78 were withdrawn from consideration. Claims 6-7, 18-21, 32-34, and 71-74 were rejected, Claim 23 and 24, allowed and Claims 34, 75, and 76 objected to, but were indicated as being allowable if placed in independent form. Claims 6, 18, and 71 have been amended. Reconsideration is requested.

### Claim Rejections – 35 U.S.C. §102

Claims 18-21, 32, 33, and 71-74 were rejected under 35 U.S.C. §102(b) as being anticipated by Weindorf et al. (2002/0140880) (“Weindorf”). Reconsideration is requested.

Amended claim 18 recites the “active region having upper and lower surfaces” and “a non-absorbing polarizer having a surface that receives light, the surface of the non-absorbing polarizer being substantially parallel to the upper and lower surfaces of the active region”. Amended claim 71 recites “a non-absorbing polarizer having a surface that receives light, the surface of the non-absorbing polarizer being substantially parallel to the light emitting surface of the light emitting diode”. Support for these amendments may be found, e.g., in Fig. 2C and the accompanying text. No new matter has been added.

Moreover, Applicant submits the amendment merely makes explicit what was implicit in the claim, as the claims stated that the non-absorbing polarizer is substantially parallel to the active region (claim 18) or light emitting surface of the light emitting diode (claim 71).

Weindorf, on the other hand, discloses “a non-absorbing wire grid polarizer 106” with a surface that receives light that is perpendicular to light emitting surface of the light emitting diode 126.

Accordingly, Applicant submits that claims 18 and 71 are patentable over Weindorf for at least the reasons discussed above. Claims 19-21, 32, 33 depend from claim 18 and claims 72-74 depend from claim 71, and are therefore patentable for at least the same reasons. Reconsideration and withdrawal of this rejection is respectfully requested.

Additionally, dependent claim 20 recites that means for randomizing is “between the non-absorbing polarizer and the active region”. Dependent claim 74 similarly recites that the randomizing element is “between the non-absorbing polarizer and the light emitting diode”. The Examiner cites the phosphor element 130 as the “means for randomizing” and “randomizing element”. However, as can be seen in Fig. 2, the phosphor element 130 is not

"between" the polarizer 106 and the LEDs 126. Thus, claims 20 and 74 are patentable over Weindorf for this additional reason as well.

#### Claim Rejections – 35 U.S.C. §103

Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Roddy et al. (2003/0214633) ("Roddy") in view of Rudden (5,945,670) ("Rudden"). Reconsideration is requested.

Claim 6 has been amended to recite "a first light emitting diode that is non-lasing" and "a second light emitting diode that is non-lasing", both of which have an "active region configured to emit light that is at least 50% polarized". Applicant submits that the amendment is supported, e.g., in Figs. 2B and accompanying text, which illustrate a light emitting diode, as opposed to a laser diode.

The Examiner relies on Rudden as "disclosing a system where a laser diode producing 99% polarized light (note column 5, lines 47-49) is put forward as a viable alternative (note column 4, lines 21-24) to 'light source[s] such as a laser [or] a non-coherent light source such as a light emitting diode, or combinations thereof'. Thus, Rudden does not disclose the use of a non-lasing light emitting diode that produces light that is 50% polarized as claimed in claim 6.

Applicant notes that the Examiner provided a lengthy obviousness discussion including many statements and conclusions with which Applicant does not agree. By way of example, Applicant submits that the Examiner's discussion of level of ordinary skill in the art is overstated. While several Nobel prizes have been awarded for work in semiconductor devices and the present technology is related to semiconductor devices, it is a logical flaw to suggest that the level of ordinary skill in the present technology is on the order of past Nobel prize winners. Similarly, the discussions of Moore's Law (which is related to the number of transistors in an integrated circuit doubling approximately every two years) or the cost of semiconductor fabs are not relevant to the present technology. As noted in the MPEP §2141.03

The "hypothetical 'person having ordinary skill in the art' to which the claimed subject matter pertains would, of necessity have the capability of understanding the scientific and engineering principles applicable to the pertinent art." Ex parte Hiyamizu, 10 USPQ2d 1393, 1394 (Bd. Pat. App. & Inter. 1988) (The Board disagreed with the examiner's definition of one of ordinary skill in the art (a doctorate level engineer or scientist working at least 40 hours per week in semiconductor research or

development), finding that the hypothetical person is not definable by way of credentials, and that the evidence in the application did not support the conclusion that such a person would require a doctorate or equivalent knowledge in science or engineering.).

Similarly, there are many other statements and conclusions in the Examiner's discussion of obviousness that the Applicant does not agree with. Nevertheless, Applicant believes that specifically addressing each and every point is unnecessary, as even when combined Roddy and Rudden do not disclose all the features of claim 6.

Accordingly, Applicant submits that claims 6 and 7 are patentable over Weindorf for at least the reasons discussed above. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 6-21, 23-35 and 71-78 remain pending of which Claims 8-17, 25-31, 35 and 77-78 are withdrawn from consideration. For the above reasons, Applicants respectfully request allowance of all pending claims. Should the Examiner have any questions concerning this response, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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